

APPEAL NO. 021648
FILED AUGUST 7, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 20, 2002, with the record closing on May 31, 2002. The hearing officer determined that the respondent's (claimant) compensable lumbar sprain/strain extends to include a right posterolateral osteophyte at L5 with a disc protrusion, but that the compensable injury does not extend to include degenerative disc disease at L5-S1.

The appellant (carrier) appeals, basically on a sufficiency of the evidence basis, contending that the right posterolateral osteophyte is a normal disease of life unrelated to the claimant's compensable injury. The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant testified as to how he injured his low back lifting an 80 to 100-pound box of frozen turkeys. The parties stipulated that the claimant sustained a compensable sprain/strain injury to the lumbar spine. The carrier argues, particularly on appeal, that its experts were more credible than the claimant's medical experts.

The medical evidence was in conflict. It is the hearing officer, as the sole judge of the weight and credibility of the evidence, who is charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence in favor of the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL
8144 WALNUT HILL LANE
SUITE 1600
DALLAS, TEXAS 75231-4813.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge